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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/548,892 04/13/00 ISLEY

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EXAMINER

IM22/0711

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ART UNIT

PAPER NUMBER

1762

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07/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/548,892

Applicant(s)

INSLEY ET AL.

Examiner

Wesley D Markham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-11, 14-17 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-6, 8, 12-13, and 18 - 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Acknowledgement is made of applicants' amendment A, filed as paper #5 on June 4, 2001, in which a substitute Abstract was filed and Claim 15 was amended. Claims 1 – 24 are currently pending in application serial # 09/548,892, and an Office Action on the merits follows.

Election/Restrictions

1. As per the previous Office Action, paper #4, mailed on April 11, 2001, a restriction requirement was made between Group I, Claims 1 – 22, drawn to a method of making an electret, and Group II, Claims 23 – 24, drawn to a filter and a respirator comprising an electret. During a telephone conversation with Mr. Karl G. Hanson on April 2, 2001, a provisional election was made with traverse to prosecute the invention of Group I, Claims 1 – 22. However, no affirmation of this election was made by the applicant in replying to the previous Office Action. Therefore, applicant's oral election of Group I, Claims 1 – 22 in paper #4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 23 – 24 stand withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

2. The substitute Abstract filed by the applicant in amendment A, paper #5, on June 4, 2001, is acceptable. Therefore, the examiner's objection to the Abstract set forth in paragraph 6 of the previous Office Action is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The examiner's rejection of Claims 15 – 17 under 35 U.S.C. 112, second paragraph, set forth in paragraph 9 of the previous Office Action, is withdrawn, as applicant's amendment of Claim 15 corrected the previously indicated lack of antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by IBM Technical Disclosure Bulletin, December 1961 for the reasons set forth in paragraphs 13 – 14 of the previous Office Action.

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7. Claims 1, 3 – 4, 7, and 10 – 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sidles et al. (USPN 4,351,789) for the reasons set forth in paragraphs 16 – 17 of the previous Office Action.
8. Applicant's arguments filed on June 4, 2001, have been fully considered but they are not persuasive.
9. The applicant argues that the IBM Technical Disclosure Bulletin pertains to an imaging process for simultaneously exposing and developing a film, and the Sidles et al. reference pertains to a method of making a rubber or plastic article such as an automobile tire. The applicant states that neither reference teaches the process of making an electret. The examiner agrees with the applicant that neither of the above references explicitly teaches a process of making an electret. However, each of the references cited above by the examiner teaches all the process limitations of the rejected claims. In upholding these rejections, the examiner has interpreted an electret to be any dielectric article that is capable of acquiring an electric charge, not necessarily the charged dielectric article. The examiner acknowledges that neither reference ever intends to use their article as an electret; however, both articles are capable of functioning as electrets. All that the applicants' independent Claim 1 requires is condensing a liquid from a controlled environment on a dielectric article and then drying the article. This is the process that occurs in both of the above references. Independent Claim 1 is broad enough to read on, for example, condensate forming on the side of a drinking glass and then evaporating. Any property that the applicant's article has must inherently be present in the prior art

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since all of the process steps and material limitations of the claims are met. It is noted that the broadest claims do not ever require that there be a persistent electric charge. Claim 2 requires said electric charge; thus, if Claim 2 is a proper dependent claim, then independent Claim 1 must not necessarily require the persistent electric charge to be present.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 – 4, 7, 9 – 11, 14 – 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angadjivand et al. (USPN 5,496,507) in view of Pike et al. (USPN 5,759,926) for the reasons set forth in paragraphs 20 – 21 of the previous Office Action.
12. Applicant's arguments filed on June 4, 2001, have been fully considered but they are not persuasive.
13. The applicant argues that there would have been no motivation to combine the teachings of Angadjivand et al. with either Pike et al. or Osaki et al. The examiner agrees with the applicant that one of ordinary skill in the art would not necessarily have been motivated to combine the teaching of Osaki et al., which pertains to the

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wetting of pulp materials, with the teaching Angadjivand et al., which pertains to the wetting of a non-woven web of microfibers. As such, the 35 U.S.C. 103(a) rejections of Claims 1 – 4, 7, 9 – 11, 14 – 17, and 22 over Angadjivand et al. in view of Osaki et al. are withdrawn. However, Angadjivand et al. teach the production of an electret by wetting a non-woven fiber web with a stream of water droplets and then drying the web (Abstract). Pike et al. teach that wetting a non-woven fiber web can be performed by contacting the fibers with either a hot water spray, which is the process taught in Angadjivand et al., or with steam (i.e., water vapor) (Col.8, lines 40 – 46). As such, one of ordinary skill in the art would have been motivated to wet the non-woven fiber web of Angadjivand et al. with steam as taught by Pike et al. with the reasonable expectation of similar results, i.e., of thoroughly wetting the non-woven fiber web as taught by Pike et al. and desired by Angadjivand et al.

Allowable Subject Matter

14. Claims 5 – 6, 8, 12 – 13, and 18 – 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
15. The subject matter of these claims is considered allowable for the reasons set forth in paragraphs 23 – 25 of the previous Office Action.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley D Markham whose telephone number is (703) 308-7557. The examiner can normally be reached on Monday - Friday, 7:30 AM to 4:30 PM.
19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-3599 for After Final communications.

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20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Wesley D Markham
Examiner
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WDM

WDM
July 6, 2001



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